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CRAWFORD MAUNU PLLC
Attorneys at Law
1150 Northland Drive, Suite 100
St. Paul, Minnesota 55120
651-686-6633 • fax 651-686-7111

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ATTN:	Darlene Brown Patent Appeals Specialist	FROM:	Eric Curtin/Kelly Davis
FAX NO.:	571 273-8300	DOCKET NO.	NL030259US1 (NXPS.443PA)
PHONE NO.:		SUBJECT:	<u>Replacement page 3 for</u> <u>previously submitted</u> <u>Appeal Brief</u>
NO. OF PAGES (w/ cover sheet):	2		

Ms. Brown:

Attached please find a replacement for page 3 of the Appeal Brief previously submitted on January 12, 2009 for the case referenced above. As requested, the Grounds of Rejection at letter "A" has been amended to note claims 1-11 and 17. Please contact Eric Curtin at the number above with questions.

Thank you.

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Serial No. 10/539,251

Commensurate with independent claim 18, another example embodiment is directed to an electric device comprising a crystallization layer, a fast growth phase change material and a resistor (*see, e.g.*, FIG. 1 and paragraph 0055). The fast growth phase change material is on the crystallization layer and changeable from an amorphous phase to a crystallization phase in response to an electrical pulse, by crystallization initiating at an interface with the crystallization layer (*see, e.g.*, paragraph 0012). The resistor includes the fast growth phase change material and has an electric resistance that depends on the phase of the phase change material.

VI. Grounds of Rejection to be Reviewed Upon Appeal

The grounds of rejection to be reviewed on appeal are as follows:

- A. Claims 1-11 and 17 stand rejected under 35 U.S.C. §112(2).
- B. Claims 1-7, 9-11 and 17-22 stand rejected under 35 U.S.C. §102(b) over Ovshinsky *et al.* (US Patent No. 5,912,839).
- C. Claim 8 stands rejected under 35 U.S.C. §103(a) over Ovshinsky.